

**ENTERED**

August 17, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JOSE ALBERTO MUÑOZ-VILLALON,  
Petitioner,

V.

UNITED STATES OF AMERICA,  
Respondent.

§ CIVIL ACTION NO. B-17-123  
§ CRIMINAL NO. B-15-288

**ORDER**

Pending is the Magistrate Judge's July 13, 2017, Report and Recommendation in the above-referenced cause of action. [Doc. No. 11] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed all of the pleadings and the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, it is ordered that Petitioner Jose Alberto Muñoz-Villalon's Motion to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is dismissed as untimely filed, or alternatively, denied as meritless. The issuance of a Certificate of Appealability is denied.

Signed this 16<sup>th</sup> day of August, 2017.



Andrew S. Hanen  
United States District Judge